

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

GAETANO FIORE,

Defendant.

2:11-CR-00208-PMP-CWH

ORDER


In what can fairly be characterized as a case of “buyer’s remorse,” Defendant Gaetano Fiore has filed a Motion to Return Borrowed Money to Rightful Owner (Doc. #43). Defendant’s Motion has been fully briefed, and the Court finds it must be denied.

Defendant Fiore appeared before this Court for sentencing on June 20, 2012, and received a term of thirty (30) months imprisonment followed by three (3) years supervised release, and an Order of Restitution in the amount of \$99,316.00 (Doc. #39). At the time of sentencing, Defendant Fiore represented that he was prepared to tender restitution utilizing funds which had been provided by his father. Apparently, however, after sentencing, Defendant’s counsel represented to Government counsel that Defendant Fiore was reconsidering the immediate payment of restitution because he received no benefit at sentencing from his promise to make full restitution immediately.

1 Frankly, this Court does not care what Defendant Fiore's intentions were
2 with respect to payment of restitution. Whether he is willing to do so, or able to do
3 so, or does not want to do so is irrelevant. Fiore did not plea bargain for, and he has
4 absolutely no right to expect a reduced sentence of imprisonment because he has the
5 means to pay restitution to the victim. He is subject to the Order of Restitution
6 entered by this Court, and may further be subject to separate collection efforts by the
7 Internal Revenue Service. The Court finds no basis to warrant and order returning
8 borrowed money to Mr. Fiore or to anyone else and therefore denies Defendant's
9 Motion to do so (Doc. #43).

10 **IT IS SO ORDERED.**

11 DATED: August 8, 2012.

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14 PHILIP M. PRO
15 United States District Judge
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